



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

Documents, Security and Suspicion

Citation for published version:

Kelly, T 2008, Documents, Security and Suspicion: the Social Production of Ignorance. in JM Eckert (ed.), *The Social Lives of Anti-Terrorism Laws: The War on Terror and the Classifications of the "Dangerous Other"*. Sozialtheorie, Transcript Verlag, Bielefeld, pp. 109-131.

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Publisher's PDF, also known as Version of record

Published In:

The Social Lives of Anti-Terrorism Laws

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.



Documents, Security and Suspicion: the Social Production of Ignorance

TOBIAS KELLY

In April 2005 Kamel Bourgass, described by the media as being of 'North African origin', was found guilty of the murder of a British police officer and for plotting to 'spread poisons'. Bourgass was implicated in a plot that, it was claimed, would have poisoned thousands of Londoners by spreading ricin, a toxin reportedly 6,000 times more deadly than cyanide, on car door handles across north London. Although the case against eight other suspects collapsed, Bourgass was sentenced to life in prison. Two of the other defendants were convicted of possessing false passports. During the trial it emerged that Bourgass had arrived in the U.K. on false papers which he had destroyed shortly before claiming asylum in January 2000 under the name of Nadir Habra. Habra was refused asylum in August 2001 and his appeal against the decision was dismissed in October 2001, when he became liable to be arrested and deported. In July 2002 he was arrested for shoplifting, but escaped detection as he used the name Bourgass rather than Habra. When he was finally arrested he was found with several fake IDs and he is believed to have had up to four different documented identities. There was considerable confusion over whether he was Tunisian or Algerian, and indeed whether his real name was Bourgass at all.

The conviction of Bourgass came just before the U.K. general election and amidst widespread fears over what was widely seen the threat from 'Islamic terror'. In this climate, the opposition Conservative party claimed that the Bourgass case showed the government had no idea who was in the country despite the 'terrorist threat' and that all people who arrived in the U.K. with 'suspect documents' should be detained immediately.¹ The governing Labour party's response was to announce the electronic tagging of some and the fingerprinting of all asylum applicants to prevent 'changes in identity' and the issuing of ID cards to all visitors planning to stay in the U.K. for more than three months. Ian Blair, the most senior police officer in the U.K., waded into the debate, saying that 'we have to go to a place where we do know who people are' and called for the introduction of biometric identity cards.² He went on to argue that it was a 'danger to the state [...] that the government did not know who some people were'. The U.K. government then announced plans to introduce biometric identity cards. A lengthy debate followed with proponents arguing that if people 'had done nothing wrong they had nothing to fear' from the new identity cards. According to the British Home Office, biometric identity cards would create a universal form of citizenship, free from racial and class distinctions, by showing 'that everyone belongs to our society whether they were born here, have chosen to make their home here or are just staying for a while to study or work' (Home Office 2003). Opponents, on the other hand, called biometric identity cards a fundamental invasion of privacy that heralded the rise of an all knowing surveillance state. People marched through London with supermarket bar codes tattooed into their bodies, protesting at what they saw as the Orwellian future promised by the new cards. According to some, the new system of identity cards and databases would create a 'total life history of every individual, to be retained even after death'.³

The plan to introduce identity cards is the first attempt to do so in the U.K. since the Second World War. For the past sixty years, and most of the years before that, British citizens and residents have not been forced to carry identity documents. Indeed, under British law there is no stand alone obligation to identify yourself to those acting in the name of the state. The spectre of a universal, or near universal, system of identity cards introduced in the name of security therefore raises important questions about the forms of knowledge produced by identity cards and how they transform the relationship between citizens-subjects and the state. In the absence of a history of identity cards, much of the debate in the U.K. about their implications has necessarily remained speculative. In sharp contrast, everyday life in Israel/Palestine, where I have been carrying out research for the last ten years, is marked by a proliferation of identity documents that are constantly checked and rechecked (Kelly 2006, 2006a). In a context where not only are security threats seen as travelling across borders, but also the techniques and methods of security control are passed from state to state, a comparative approach to identification practices allows us to explore how seemingly technical forms of governance can be shot through with particular political and cultural assumptions.

Fears over terror and migration have resulted in ever increasing attempts by states to produce knowledge about their citizen/subjects. The threat from 'terror' is seen as clandestine and covert (see Eckert this volume), forcing security forces to come up with new ways of uncovering dangers. Identity cards play a crucial role in this 'securitisation of citizenship', as states try and distinguish between friend and foe. Through a comparison of Israel/Palestine and the U.K.,

¹ Daily Telegraph, 'Milburn apology for Policeman's death', 15 April 2005.

² Public Service Review, 'Britain's senior policeman backs ID cards', 18 April 2005.

³ See the website of the anti-identity card group No2id, available at: <http://www.no2id.net/IDSchemes/NO2IDSummaryBriefingMay2005.pdf> (last accessed 17 January 2007).

this paper asks what types of knowledge do identity documents produce, and what are the implications for contemporary forms of citizenship? I argue that identity documents are an unstable and opaque method of producing knowledge about their holders, as whilst attempting to create 'legible' persons, they also hide people behind papers that are always potential forgeries. Rather than creating an all knowing state, documents create what might be called 'known unknowns', and thereby produce new grounds for uncertainty and suspicion. Precisely because identity cards do not tell the state every thing they want to know, state officials are forced to resort to reading bodies for marks of suspicion, feeding into racialized notions of danger. Far from promoting the universal rights of citizenship, identity cards therefore promote cultural notions of belonging.

Security, Knowledge and Techniques of Identification

The implicit logic of the global 'war on terror' sees the principle threat as originating outside Euro-American culture in a malevolent form of radical Islam. As a result, security practices have often focused on attempts to control movement across borders in order to keep out dangerous persons and ideas. At the same time this threat is often also perceived as being clandestine and invisible. Traditional crime control methods based on detection and prosecution can not work in a situation where the threat is seen as being very real but largely unknown. The result is the promotion of preventative forms of security based around perceived risks. As Eckert argues in this volume, particularly when an enemy is perceived to be elusive the state takes preventative measures that involve the categorisation of whole populations. The default position becomes suspicion, and people have to prove their innocence. In this context, control over movement becomes an issue of security, and identity cards are used to sort out potential friends from enemies. The constant checking and rechecking of identity documents by officials over the world must therefore be understood as an attempt to make people more 'legible' (Scott 1998; see also Torpey 2000) in order to determine the potential threat that they pose. In the face of large and largely unknown populations that are constantly moving, identity documents help states 'fix' people in place. In this process Torpey argues that there has been move from identifying people's rights and responsibilities from their physical appearance or social relationships, to a determination of status through documents (2000).⁴ Identity documents seemingly offer a way of knowing who should be in particular places at particular times, and of separating citizens who need to be protected from those who would do them harm.

It is an open question, however, as to what types of knowledge the checking of identity documents actually produces. To begin to answer this question it is important to note that identity documents look in two directions. The first direction is towards legal status in order to establish entitlements and rights. The second direction is towards actual bodies in order to establish physical presence and individuality. However, in both directions the forms of knowledge produced are marked by gaps and breaks. In practice, legal status is often far from self-evident, being made up of numerous contradictions and fissures. Following EU enlargement for example, residency have become increasingly complex, with uncertainties about the rights of Eastern Europeans to live work and claim benefit in Western Europe. Identity documents also only provide a partial form of knowledge about what these rights and responsibilities might be, forcing low level officials to make numerous discretionary judgements (Calavita 2001). Furthermore, the production of identity documents can also hide actual bodies behind layers of administration and piles of paper, leading people to have both a physical and a legal presence. A migrant, for example, may 'look like a Somali' to the border guard, but his passport says that he is Finnish and therefore has rights of entry to the U.K. The result is that documents become objects to be manipulated as part of broader political and economic strategies (Ong 1999; Caplan/Torpey 2001; Lyon 2001). People such as Bourgass can collect identity documents as a means of avoiding police detection. Finally, and perhaps most importantly, in a context of mass migration where fears are often expressed in cultural and racial terms, separating citizens from non-citizens does not necessarily distinguish between potential threats and responsible citizens who need to be protected. The mapping of nation, territory and citizenship, does not hold, if it ever has done. The soul searching in the British media that was caused by the fact that the perpetrators of the bombs in London on 7 July 2005 were British citizens is testament to the awkward relationship between formal citizenship and perceptions of security and threat. Against this background, identity documents do not help officials sort friend from foe, and may even confuse the issue.

Given the seeming gap between the documented and the social person, it has been common to see identity documents as reifications or representations that distort or hide complex social relationships (cf. Gordillo 2006). However, such a view is open to two criticisms. First, identity documents are not designed to identify the 'whole person', but are

⁴ Identity documents become an essential prerequisite for recognition by state authorities, even to the extent that new born babies are required to have a passport complete with photograph in order to move across borders. Without documents, states often do not know who they are dealing with. The difficulties that states have in dealing with people who do not have documents can perhaps most clearly be seen in the case of immigrants who destroy their documents on arrival in a new state. Without proof of citizenship in another country, the receiving state has great difficulties in returning these people.

instrumental devices intended to uncover particular aspects of personhood in order to establish rights and entitlements in particular contexts. Whether it is for reasons of welfare or security, identity documents are a form of instrumental knowledge (Riles 2004). When an official at an airport checks your documents they are not interested in knowing about your complete social and cultural history, they are merely using the document to check whether you have the right to be in that place at that time, and whether they might represent threat or not. Second, documents are not removed from social and cultural processes, but rather are embedded within them. Instead of distorting social relationship, it is only through holding particular documents that people can act as agents, produce particular forms of knowledge and maintain social relationships (Serres 1982; Gell 1998; Barry 2002; Coles 2007). Identity documents are not distorted representations of some already existing form of personhood, but produce particular forms of agency and knowledge (compare Keane 2005). After all, Bourgass was able to avoid police and immigration detection because of the documents he held, not despite of them.

However, the forms of knowledge and action produced by identity documents are never complete or smooth, but filled with fissures and gaps. Instead of stabilizing, they can destabilize social relationships (Latour 1987; Ecks 2003). Rather than creating an all knowing surveillance state, the very presence of identity documents creates its own forms of ignorance. Whilst attempting to fix people in place and make them legible, documents simultaneously make this fixity impossible, creating new forms of illegibility.⁵ Not only are documents based on an assumption of deception, in that people such as Bourgass might not really be who they say they are, but they also create their own possibilities for fraud. Far from creating a stable form of identification, documents are therefore always a partial form of knowledge, obscuring as much as they reveal. David Lyon has famously argued that identity documents are ‘tokens of trust’ when we do not know who it is we are dealing with (2001). However, identity documents are perhaps best understood as artefacts of suspicion. In doing so they help to produce a shift towards cultural notions of belonging, where some groups are seen as being more suspicious than others, resulting in security practices that produce their own forms of insecurity.

Documents, Suspicion and the Limits of the Legal Person

From the moment you step foot in Israel/Palestine you are confronted with an array of document checks and questions. Indeed, amongst the many ‘internationals’ that live and work in the Palestinian Territories, the experience of security checks at Ben-Gurion airport are a constant topic of conversation. Everyone has their own story to tell and they get wheeled out regularly whenever the conversation lags at a diner party or over drinks in a café or bar. If a Palestinian is present whilst these stories of passing through Ben-Gurion are recounted, they usually listen quietly, with a wry smile on their face. Since the late 1990s, as part of the wider restrictions that the Israeli state has placed on the movement of Palestinians in the name of ‘security’ (Kelly 2006, 2006a), Palestinians have been effectively forbidden from flying in and out of Ben-Gurion airport. If they want to leave or enter the West Bank or Gaza Strip they must travel overland to Egypt or Jordan. This does not mean, however, that Palestinians do not travel through the airport.

Some Palestinians have accumulated forms of legal documentation that have enabled them to pass through Ben-Gurion despite the formal restrictions. Many West Bank Palestinians hold foreign passports, especially from South America, and Colombia, Brazil and Venezuela, in particular. Palestinians who emigrated to South America in the 1920s and 1950s, returned in the 1970s due to the economic boom caused by the Israeli occupation. These people often hold foreign passports and use these to pass through checkpoints, border controls and fly through Ben-Gurion airport. Such people are amongst the richest in the West Bank, and they have used their passports to set up businesses in Israel or important goods and labour between the West Bank and Israel. Dozens of people in the West Bank village in which I lived from 2000 to 2002 held Venezuelan passports, and would fly out of Ben-Gurion airport, usually to Cyprus, every three months in order to renew their visas. Walid, one such person, used to joke to me that after these trips, usually just a few days long, he would chat and with the immigration control people who had begun to recognize him. The fun of the trip was only added to by the fact that for many Palestinians a flight to Cyprus was associated with illicit dalliances, as it was to Cyprus that many people went to arrange the civil marriages that are unavailable in Israel/Palestine.

My land lord, in the same West Bank village, held a British passport after he married a British volunteer on the kibbutz on which he worked as a labourer during the 1980s. He had returned to the West Bank shortly after the start of the second *intifada*, hoping that his British passport would allow him to circumvent the restrictions that the Israeli military had placed on the movement of Palestinian identity card holders, and enable him to set up a small business importing roasted sunflower seeds. There were even more people in the village where I lived who had managed to obtain Israeli identity cards, usually through marriage to a Palestinian citizen of Israel, and these people would also travel through Ben-Gurion. Indeed, Nazmi, the man who picked me up from Ben-Gurion airport whenever I needed a lift, was

⁵ All attempts at fixity and stability arguably produce their own forms of instability (Bauman 1993). The instability of identity documents is linked specifically to the tensions between legal and cultural notions of community.

born, brought up and continued to live in a West Bank Palestinian village. He had gained an Israeli identity card after marrying a Palestinian citizen of Israel, and had eventually found a job driving a taxi out of the airport. Whenever I make my way out the arrival lounge, I can usually guarantee to see his smiling face greeting me.

Given the advantages that holding Israelis identity cards or foreign passports give, West Bank Palestinians have attempted to accumulate and manipulate multiple forms of legal identification to enable them to travel through places such as Ben-Gurion, with all that implies to access to cultural and financial resources (compare Ong 1999). I also made use of this ability to manipulate documents, having two British passports, one which I used for going into Israel, and another that I used for entering Arab countries. As people with stamps from Israel are banned from entering Syria and Lebanon, and can expect a great deal of questioning at other borders in the Middle East, many people who travel in the region have two identical passports that they swap around. As Susan Coutin has argued, documents are formally seen as merely representing an already pre-existing legal status, but in practice documents can have a 'life of their own' creating their own forms of rights and responsibilities (2000: 54). The social life of identity documents allows them to be used and manipulated as people attempt to pass through international borders or internal checkpoints.

It would be extremely naïve, however, to think that Israeli security officials, and officials elsewhere in the world, are not aware of such attempts to hide bodies behind documents. Indeed, an internal Israeli military investigation concluded that the use of checkpoints and identity cards could not prevent Palestinians from infiltrating into Israel. Rather than bypassing checkpoints and identity checks, most Palestinian 'infiltrators' into Israel pass straight through them. Furthermore, following the start of the second *intifada* in September 2000 Israeli soldiers were under explicit orders to be on the look out for Palestinians who were attempting to use foreign passports in order to pass. The fear that documents can be forged is a particularly persistent theme. The former Israeli cabinet minister Meir Shetreet has estimated that up to 400,000 forged Israeli identity cards are in circulation.⁶ As in the debates that followed the conviction of Bourgass, the suspicion of possible fake identity documents is found at border crossing and checkpoints around the world. I am often called upon to write so called 'expert witness report' for the U.K. Immigration tribunal on whether the documents presented by a particular asylum seeker are 'genuine'. The basic assumption of the Home Office officials seems to be that the documents presented by asylum applicants are in some way forged. Indeed, writing in the context of the U.S.-Mexican border, Heyman has argued that immigration inspectors see one of their principle tasks as the uncovering forged identity documents (1995: 272). Similarly, in August 2006 all U.K. ports and airports were warned by the British Home Office to be on the look out for people trying to enter the U.K. on false visas following the theft of the stickers that house the visas from a London printing plant. There were also reports that failed asylum seekers were using faked passports in order leave the U.K. before they were deported to their country of 'origin'. Over 200 were reportedly sent back to the U.K. from France for trying to travel on such documents.⁷ In order to combat the perceived widespread use of forged documents, the U.K. government has created a new offence of holding false documents. Under this law, a person can be charged merely for holding forged forms of identification, irrespective of whether they try and use them.

In the context of suspicion over fraud produced by documents, Israeli security officials never take the documents that they are presented with at face value. Every time my landlord Juma flew into Ben-Gurion, with his wife and two young children, security officials questioned him about his British passport, asking him he also had a Palestinian identity card as well. As Palestinians, since the late 1990s, have been effectively forbidden from travelling through Ben-Gurion airport, this would have meant that he was unable to enter Israel and return to his home in the West Bank. Israeli security officers can see from his passport that he was born in the West Bank, and therefore might hold a Palestinian identity card. On one occasion, his wife, nervous and tired after flying all night, admitted that Juma had a West Bank identity card. As a result Juma was forbidden from entering Israel via Ben-Gurion and had 'From the Territories' stamped in his British passport, preventing him from trying to use Ben-Gurion again. He had to return to the U.K. and fly to Jordan, entering the West Bank over land.

The possibility of fraud, and hence suspicion, is inherent in identity documents. The extensive use of documentary practices by modern states to control, coordinate and stabilize, simultaneously produces possibilities for the forged and the fraudulent.⁸ The sense of fraud has two elements. The first is that the documents are counterfeit. The second, and perhaps more important, is that although the document may be genuine, it does not really tell you who the holder is, as legal notions of citizenship run up alongside cultural notions of belonging. Although Juma was a British citizen, for the

⁶ Ha'aretz, 'Immigrations smash forgery ring', 23 September 2002.

⁷ In another case a Brazilian football player was accused of trying to enter the U.K. on forged Brazilian passport that his agent had apparently provided for him.

⁸ States can be complicit in the forgery of their own practices. As Calavita has argued, for example, U.S. immigration law in the 1980s required employers to request paper documents from immigrants, but did require employers to verify the authenticity of these documents (1990). The contradictions between political pressures to regulate illegal immigration demands from employers for cheap Mexican labour created a situation where a blind eye was turned by immigration inspectors to all but the most obviously counterfeit immigration documents.

Israeli security officers this merely obscured his more important Palestinianness. For this reason, documentary forms of governance are never entirely trusted either by state officials or those subjected to their force.⁹ There is a pervasive sense

that the world is made up by 'more than the play of documents'

(Coutin/Maurer/Yngvesson 2002) and that there is a self that 'exceeds its documentation' (Coutin/Yngvesson 2006: 179). This means that although documents may appear to have a social life of their own, there is always a referral to a seemingly more stable form of knowledge that stands beyond the documents. The inclusion of place of birth on passports for example, points to this sense of a more stable presence that exists elsewhere (Yngvesson/Mahoney 2000). My landlord Juma may have been a British citizen and held a British passport, but his passport also said that he was born in the West Bank, alluding to a seemingly less transient origin, rooted in birth, that the Israeli security official picked up on. The desire of the British media to find out if Bourgass was 'really' Algerian or Tunisian is also testament to this search for a seemingly more stable source of origin. Whilst identity documents may have been introduced in order to identify and fix in place in the face of a mass of seemingly changing and unknowable bodies (Torpey 2000), the instability of documents means that officials continue to look beyond the documents they are given, onto the bodies of the people that hold them.

Biometrics, Documents and Bodies

In the face of the ever present possibility of fraud, biometric identity cards seem to offer the promise of binding transient documents to seemingly more stable bodies.¹⁰ Indeed senior British Police officers have only supported identity cards on the grounds that they will contain biometric information, claiming that as otherwise they are actually an obstacle to countering potential terrorist threats.¹¹ According to their proponents biometric identity cards 'make counterfeiting virtually impossible' as a 'criminal may steal your card, but your unique biometric data cannot be taken from you'.¹² The creation of a direct link between physical bodies and the documents that they hold, in the shape of information about physiological traits, creates the promise of increased 'legibility'.¹³

The Israeli state has been at the forefront of attempts to introduce biometric technology. Since 2002 several terminals have been installed at BenGurion airport that seek to match hand prints to information stored on a card to a central database. Israeli citizens and international businessmen who frequently fly in and out of Ben-Gurion can apply for the scheme and then have background checks carried out. If they are passed by the Israeli security services, they then have their personal details and hand print recorded and join the estimated 250,000 other people on the scheme. The Dallas based producer of the system boasts that the system 'eradicates human error' and is 'foolproof' (EDS 2004). Similar technology has been used at some checkpoints used by Palestinians. In 2002 the Israeli military started to install a new biometric scanning device at Erez, the largest checkpoint between Israel and the Gaza Strip, which on some years has seen tens of thousands of Palestinians passing through on a daily basis in order to work in the Israeli economy. As the Palestinian enters the checkpoint a gate closes behind him and he has to swipe his card through the reader and have his palm and face read by a scanners. If a central database verifies that the information read off the card and the body match and that the card holder has the right to enter Israel, a gate to left opens. However, if the biometric data does not match or the computer refuses the card holder entry, a gate to the right is opened up, where further interrogation can take place. The Israeli security forces boasts that the system, known as *Basel*, can eradicate the 'need for human intervention' (Israeli Ministry of Public Security 2003). The use of biometric cards was included in the 1999 agreement between the government of Israel and the PLO, designed to facilitate safe passage between the West Bank and Gaza. Although this agreement has effectively become moribund, there are eventual plans as the Wall, which the Israeli military is building across the West Bank, is completed, to roll out the technology across the region. The checkpoint at Beitunia to the west of Ramallah for example, which is reserved for businessmen, has required biometric identity cards since 2005. Several thousand Palestinians from the north of the West Bank have also reportedly been issued with similar cards. A new

⁹ Longman describes how during the Rwandan genocide people did not trust official identity cards that distinguished Hutu from Tutsi, but sought to research into family histories and used phenotypical markers instead (2001).

¹⁰ The demand for biometric technology has grown so fast in the past few years that the industry has grown from being worth around \$1bn to \$4.5bn between 2000 and 2004 (Guardian, 'Biometrics – great hope for world security or triumph of big brother', 18 June 2004).

¹¹ They argue that the possibilities for fraud inherent in non-biotitic identity documents will actually hinder rather than help police work.

¹² See the website of the U.K. Identity and Passport Service, available at: <http://www.identitycards.gov.uk/benefits-society-idtheft.asp> (last accessed 30 January 2007).

¹³ Biometric systems work by attempting to create a match between information held on a card and the unique physiological traits, such as fingerprints or iris patterns, of the card holder. They do so either by matching information on an ID card with physical traits read off a body – known as verification – or matching an ID card, with physical traits on a body and a central data based – known as identification. Identification is a much more complicated and costly procedure.

checkpoint unit was created within the IDF in 2004 whose members were specially trained in the use of biometric technology.

Israel is far from being alone in the introduction of biometric identity documents. The International Civil Aviation Organisation (ICAO) has set new standards that require the inclusion of a biometric facial image in all new passports. Most EU states are moving towards the incorporating of fingerprint and facial biometrics in passports. The EU also increasingly requires fingerprint and facial biometrics for residence permits and visas for visitors from outside the European Economic Area. Similarly, the 9/11 commission in the U.S. recommended the introduction of biometric identity cards as a means of 'strengthening security' (National Commission on Terrorist Attacks upon the United States 2004). The U.S. military has also started collecting biometric data on people detained in Iraq, Afghanistan and elsewhere. U.S. immigration now requires the routine face-scanning and finger printing of visitors from most states in the world. The U.S.-Visit (U.S. Visitor and Immigrant Status Indicator Technology) security system is meant to identify travelers who have violated immigration controls, have criminal records or belong to groups listed as terrorist organisations by the U.S. Visitors are also required to have a biometric passport or face more stringent security checks. In the past few years, biometrics, in the shape of a fingerprint, have also been included in the identity cards issued to U.S. residents who are non-citizens.

In the U.K., after a heated debate in parliament and the press, new biometric passports and identity cards are due to be introduced from 2008. Biometric technology is already used on identity documents for asylum applicants and visa applications from citizens of specific states. The new U.K. passports will have fingerprint and facial biometrics, whilst the identity card will also carry iris biometrics. The biometric information recorded will then be registered on a central National Identification Registry. Registration will be a mandatory for all U.K. residents. It will not however be compulsory to carry a card and there will be no new powers for the police to demand the card. The Home Office has claimed that biometrics represented a 'cutting edge' solution to identity fraud, arguing that recent advances in technology meant that a 'truly effective and secure scheme is now possible' providing a 'hi-tech form of security for every citizen'¹⁴. The new Identity and Passport Service set up to administer the new cards has claimed that they will 'help the security services in their investigations into organized crime and terrorist activities' and help protect the U.K. against threats to 'national security', as well as 'help to identify people who try to work here illegally and could deter potential illegal immigrants from coming to the U.K'.¹⁵ Biometric identity cards are being sold as a 'hi-tech' solution to security problems that would bind physical bodies to documents and therefore make the population more 'legible'. Bodies are treated as a source of biologically based information that can be broken down and read by electronic equipment in order to identify distinct aspects of a person (Ericson/Haggerty 2001: 613). The uncertainty of legal documents is seemingly overcome by the certainty of technology, creating new forms of what might be called 'biosociality' (Rabinow 1996; Rose/Novas 2005).

The Limits of Biometrics

Despite the claims of cutting edge technology, it remains an open question as to how revolutionary the introduction of biometric technology actually is in the processes of identification and knowledge production. After all, and despite the more extreme fears of some of its critics, biometrics is not the storing of a part of a physical person in a card, but rather is the storing of an electronic representation of a physiological trait. In this sense, biometric markers have long been common on identity documents, in the shape of photographs. The 'traditional' nature of biometric technology means that, in many ways, it is as open to manipulation and problems as 'old style' identity cards. Indeed, according to the inventor of the algorithm used in most iris biometrics, all biometrics are vulnerable to fraud.¹⁶ Fingerprints can be faked with latex, faces can be altered through plastic surgery, and irises can be disguised with contact lenses. For the effective working of biometric technology, data on the physiological characteristics must be easily recordable. However, trials have found for example, that it is more difficult to take fingerprints from manual labourers. Contact lenses and eye conditions also mean that one in a thousand can not give iris scans, with a higher recognition rate for white and Asian participants than those who are black (House of Commons Science and Technology Committee 2006). No biometric system records a complete picture of the physiological characteristics, but creates a template containing key points. Small variations in the way this template is taken, such as angle, light or heat, can effect the recorded information.

Even once biometric information has been gathered, the techniques for matching stored biometric information with physical bodies are far from one hundred percent reliable. Identification systems must be balanced between a high false acceptance rate – allowing more people to pass than should – and a high false rejection rate – rejecting genuine people.

¹⁴ See <http://www.identitycards.gov.uk/scheme-now.asp> (last accessed 20 January 2007).

¹⁵ See <http://www.identitycards.gov.uk/benefits-society-immigration.asp> (last accessed 24 January 2007).

¹⁶ BBC, 'Facing a biometric future', 13 January 2004, available at: <http://news.bbc.co.uk/1/hi/technology/3389209.stm> (last accessed 24 January 2007).

Fingerprints only achieve about a 98 percent accurate match rate. Facial recognition technology is between 95 percent and 60 percent accurate (Kong et al. 2005).¹⁷ Hand-shapes, another biometric in common use, are not unique in large populations and therefore potentially have a very high false acceptance rate. Human bodies also change over time. People grow beards, or put on weight, fingerprints change with age. This means that flexibility has to be built into the system, creating further space for error. At an airport such as Heathrow, with more than sixty million people travelling through each year, even a system with 99.99 percent accuracy could still fail to recognize tens of thousands of people a year. Furthermore, the facial biometrics put into new passports around the world are not designed to be checked against a central database, but still require a visual check from an immigration officer. They are therefore only as accurate as non-digital photographs. Indeed, a study by the Israeli military concluded that no single biometric technique provides an 'acceptable' measure of accuracy and that biometrics could not be relied on as a fail safe means of identification (Croft 2001). Despite the promise of a bright new 'biosocial' future, bodies can not be so easily read.

Whilst biometric identity documents do not necessarily represent a revolution in the accuracy of matching an identity document to the holder, they are a significant development in the ways in which that information is stored. Physiological data, rather than being simply stored in a photograph or a thumb print is encrypted into an electronic chip and in some cases, such as the U.K. identity card, on a central database, raising important questions about the management of information. At a global level however not all states will use same databases, and access will depend on fluctuating alliances and influence. Furthermore, any encryption system is only as reliable as the initial registration. The best that any system can provide is a compelling connection with some *previous* verification of identity. The entire system is therefore reliant on the initial point of entry, when the person is registered. This in turn has to rely on other documents and personal statements that can be more easily forged. It is worth remembering that Bourgass came into the U.K. on forged documents. Biometrics, rather than creating a fail safe linkage between bodies and documents merely reproduce the same problems of fraud, forgery and deception in new forms. The more profound sense of possible fraud – that documents might not tell you who someone really is and that cultural notions of belonging are more powerful than legal forms of citizenship – remains.

Incomplete Knowledge and Reading off Bodies

As a form of knowledge, identity cards, whether biometric or not, are inherently incomplete, and must therefore be accompanied with additional forms of knowledge. Despite all the biometric technology and the constantly checking and rechecking of documents, any passage through Ben-Gurion is also marked by incessant and often repeated questions by young airport security staff. Where have you been? Where are you going? Who did you stay with? Did you meet any locals? Who paid for your trip? Can I see your notes? These questions are often asked again and again as you are passed from one official to the next. In order to understand why these questions are asked alongside the checking of documents, it is important to remember that identity documents are not designed to identify every aspect of a person's life history, but rather are created for specific purposes – they are a means to an end. In a climate dominated by fears over terrorism, these ends are primarily, although not exclusively, those of security. Identity cards are used therefore to identify whether somebody represents a particular threat. However, in very few cases can identity cards be used to reveal particular threats represented by known individuals. Even when Kamel Bourgass was arrested, it was not because police knew where he would be, but rather because they came across him in the course of a raid. To use identity cards to target specific individuals requires knowing that such and such a person was planning on doing such and such, and all too often this type of knowledge is not available. Identity cards therefore are primarily used to identify dangerous categories of person rather than known individuals. It is here that bodies re-enter the picture once again, as attempts are made to identify possibly suspicious persons.

Immigration officers and security officials have to make on the spot decisions about whether or not to let somebody pass, and the documentary evidence they have is often incomplete or inconclusive, or not entirely trusted. According to Raphael Ron, the former head of security at Ben-Gurion airport, security staff are therefore trained to detect suspicious behaviour, in a technique known as 'behaviour pattern recognition' or BPR (Croft 2001). According to Ron, officials would question a person buttoned up in a trench coat on a 100-degree day, or a person with no baggage buying a ticket at the international travel counter. Questioning patterns are designed to reveal inconsistencies in stories and suspicious forms of behaviour. Similarly, in her ethnography of Israeli security practices, Juliana Ochs describes how Israeli civil guards are trained to read 'bodily signs of suspicion' that can include 'being a youngster who is trying to blend but do not belong to that group', 'running suspiciously' or 'wearing unsuitable clothes' (Ochs 2006). Such reading off bodies is not as crude as straightforward racial profiling. Indeed any security system would be naive to do so, as it would create

¹⁷ See also: 'UK National Physical Laboratory test report', available at: <http://www.cl.cam.ac.uk/~jgd1000/NPLsummary.pdf> (last accessed 18 January 2007).

new opportunities to pass as non-threatening. However, a context where fears often take a cultural and racialized form, some bodies are more suspicious than others. As Josiah Heyman argues, when faced with such situations, officials at U.S. border crossings use markers often read off bodies or clothes, based on overt national stereotypes, in order to decide whether someone represents a threat, whether they really are who they say they are, and whether they should be allowed to pass (2001; see also Gilboy 1991).

Perceptions of legitimate presence or suspicion will of course depend on specific local histories. Markers of dangerousness and the populations that they are seen as referring to change over time and space. In the U.K., after the London bombs in July 2005, people carrying heavy rucksacks on the underground were often viewed suspiciously. In Israel, on the other hand, wearing heavy winter coats in summer arouses suspicion, due to the tendency of suicide bombers to hide their bombs under thick jackets. More generally styles of dress or physical characteristic are often associated with particularly dangerous groups. As Ochs (2006) argues, Israeli security officials pay close attentions to clothes and appearance, as well as try to engage people in conversation in order to 'listen to their accents to determine whether they are Jewish Israeli, Palestinian or foreign and ascertain their degree of suspicion' (see also Paine 1992; Liebes/Blum-Kulka 1994; Helman 1997; Ben-Ari 1998). This is not to say that Israeli security officials necessarily have clear idea of what they were defending, or of who is the enemy. Indeed these notions are probably very fractured and contradictory. As Virginia Dominguez (1989: 166) has argued you cannot assume 'too neat and clear cut a separation between self (Israeli and Jewish) and other (epitomized by, but not restricted to, Arabs)'.

For Dominguez, the references are neither fixed nor determinate, as there are 'uncertainties and indeterminacies at the boundaries of the collective self' (Dominguez 1989: 174). This means that for Israeli security officials bodies can not be easily read for culturally based notions of danger. Many Israelis and Palestinians are physically, socially and culturally difficult to tell apart. Nearly 20 percent of the Israeli population are Palestinian Arabs. Furthermore, many Jewish Israelis are descended from the Jewish populations of other Middle Eastern countries, and speak Arabic fluently. Many of the Palestinian residents of the West Bank have worked in Israel for years and therefore not only speak Hebrew, but also dress and cut their hair in ways that make them indistinguishable from many Israeli citizens. In such a context it can be difficult to 'tell' an Israeli citizen who needs to be protected from a Palestinian threat.¹⁸ Arguably however, the difficulties in telling Israeli from Palestinian only increases the fear and suspicions of security officials, as they constantly look between confusing documents and bodies in order to determine possible dangers.

Similar racially and culturally based conceptions of threat are also present in the U.K. Dangers to the security of the British state and individual citizens are increasingly viewed as originating in particular forms of Islamic belief and practice, often seen as stemming from outside the U.K., both culturally and territorially. However, friend and foe can only be problematically mapped onto citizens and non-citizen, due to the large U.K. born Muslim population that is increasingly seen as a potentially dangerous presence. The result is that suspicion is inherently racialized. This can be seen most obviously in the 2006 decision to bar two British students of Pakistani origin from a flight from Spain to Manchester on the grounds that they were behaving suspiciously. Their suspicious behaviour included speaking a language that sounded like Arabic (actually Urdu) and wearing beards. More tragically, such a process can also be found in the shooting of Jean Charles de Menezes, the Brazilian who was mistaken for suspicious person of Arab descent by the British police.

In this context, the very demand for identification becomes racialized. Under U.K. law there is no stand alone legal requirement to prove your identity in public spaces. Police officers can 'stop and search' as well as demand personal details only if they have 'reasonable grounds for suspicion' that a person is in the possession of stolen or prohibited items.¹⁹ Home Office figures reveal that between 2001/2002 and 2002/2003 the number of recorded stop and searches rose by 17 percent for white people, but by 36 percent for Asian people and 38 percent for black people (LSE 2006). There is considerable controversy over the reliability of these statistics and the U.K. NGO State Watch has claimed that between 2001/2002 and 2004/2005, stop and searches have increased by 66 percent for black people and by 75 percent for Asians compared to less than 4 percent for white people. Furthermore, between 2001/2002 and 2002/2003, police stop and searches under terrorism legislation rose by 302 percent for Asian people, by 230 percent for black people and by 118 percent for white people. Such statistics have caused widespread arguments over whether they show widespread institutional racism within the U.K. police forces. Defenders of the police have argued that crime and terrorism are not equally distributed amongst the British population, and therefore it makes sense to target 'stop and search'. Whether this is true or not, it ignores a context where racial and cultural markers can implicitly become grounds for suspicion.

¹⁸ I have one South African friend who has worked in Israel for many years as a building contractor. He is of Afrikaans origin, nearly two metres tall, with a big bushy moustache and a former semi-professional rugby player. In the 1990s he worked in Sudan and converted to Islam, changing his name to Mohammed Abdallah. Whenever he would fly through Tel Aviv's Ben-Gurion airport he would always cause confusion for the border guards who were uncertain how to deal with him.

¹⁹ Police and Criminal Evidence Act 1984. Furthermore, senior officers can give authorization for stop and searches in a given locality, without individual suspicion, if they believe that a violent incident may take place, or a person is carry-

The point is that rather than create a universal form of identification where ‘if you have nothing to hide you have nothing to fear’, some people clearly seem more suspicious than others.

Conclusion

In the face of security threats that are widely seen as clandestine and hidden, identity cards are increasingly used by states as they try to make their citizens/subjects more ‘legible’. The question remains however as to what forms of knowledge are produced by identity cards and how this transforms the relationship between states and the populations they seek to control. The claims that identity cards produce transparent and secure forms of knowledge, or that they create an all knowing Orwellian state, are equally misplaced. Rather than simply create legibility and knowledge, identity cards also produce their own forms of illegibility and ignorance. After all, Bourglass was able to remain undetected not despite of identity documents but because he was able to manipulate them. He was able to do so because documents create a separation between the physical and the legal aspect of personhood, hiding bodies behind

ing ‘dangerous instruments’ without ‘good reason’ (s60 of the Criminal Justice and Public Order Act 1994). Finally, police are also entitled to stop and search for articles that could be used for terrorism in specific areas that have been authorized by senior officers (s44 of the Terrorism Act 2000). London has been continuously designated as such a zone since February 2001. Although they have fewer powers than police officers, immigration officials can also question people to determine their immigration status where there is a ‘reasonable suspicion’ that a person is an immigration offender.

layers of always potentially forged paper. Despite the promise of a bright technological future, biometric identity cards do not radically alter the situation, as they still rely on a form of representation that rather than bind bodies to documents, creates spaces for misrepresentation, manipulation and potential subterfuge. Furthermore, and perhaps more importantly, in a context where legal forms of citizenship and culturally based notions of belonging exist in an uneasy tension, the more powerful sense of fraud, that someone might not be who their documents say they are, remains.

Rather than create security through knowledge, identity documents create their own particular types of suspicion, ignorance or ‘known unknowns’, and therefore produce new forms of racialized suspicion and insecurity. Precisely because identity cards do not tell the state every thing they want to know, state officials are forced to resort to reading bodies for marks of suspicion, feeding into racialized notions of danger. Yet bodies too only offer a confusing surface from which to read possible threats. Facial characteristic, skin colour and styles of clothes can only tell you so much in a world where bodies, ideas and objects are constantly crossing borders. As people try and separate friend from foe there is therefore a constant movement between confusing bodies and unclear documents, neither of which are entirely trusted. The result is a racialized form of citizenship, where bodies, documents and legal status merge. The rights and obligations of citizenship are therefore not the product of a stable mapping of documents and legal status or straightforward racial stereotypes, but rather emerge through the gaps and fissures created by an unstable technique of governance. As a result, the forms of knowledge created by identity cards therefore create their own forms of insecurity. The crucial question of course, is who is made to bear the burden of these new forms of uncertainty.

Acknowledgements

I would like to thank the participants at the Law and Governance conference at the Max Planck Institute for Social Anthropology, and in particular Julia Eckert, for their insightful comments on an earlier version of this paper. The wider research upon which this chapter is based was supported by an ESRC Postgraduate studentship and an Emslie Horniman Award from the RAI.

References

- Barry, A. (2002): ‘The Anti-Political Economy’, *Economy and Society*, 31(2): 268-84.
- Bauman, Z. (1993): *Modernity and Ambivalence*, London: Routledge.
- Ben-Ari, E. (1998): *Mastering Soldiers: Conflict, Emotions, and the Enemy in an Israeli Military Unit*, New York: Berghahn Books.
- Calavita, K. (1990): ‘Employer Sanctions Violations: towards a Dialectical Model of White-Collar Crime’, *Law and Society Review*, 24(4): 1041-70.
- (2001): ‘Chinese Exclusion and the Open Door with China: Structural Contradictions and the ‘Chaos’ of Law, 1882-1910’, *Social and Legal Studies*, 10(2): 203-26.

- Caplan, J./Torpey, J. eds (2001): *Documenting Individual Identity: the Development of State Practices in the Modern World*, Princeton: Princeton University Press.
- Coles, K. (2007): *Democratic Designs: International Interventions and Electoral Practices in Postwar Bosnia-Herzegovina*, Ann Arbor: University of Michigan Press.
- Coutin, S. (2000): *Legalizing Moves: Salvadoran Immigrant's Struggles for U.S. Residency*, Ann Arbor: University of Michigan Press.
- Coutin, S., with Maurer, B./Yngvesson, B. (2002): 'In the Mirror: the Legitimation Work of Globalization', *Law and Social Inquiry*, 27(4): 801-43.
- Coutin, S./Yngvesson, B. (2006): 'Backed by Papers: Undoing Persons, Histories, and Return', *American Ethnologist*, 33(2): 177-90.
- Croft, J. (2001): 'Israeli Security Experts: Technology not the Answer', *Aviation Week and Space Technology*, 26 November 2001.
- Dominguez, V. (1989): *People as Subject, People as Object: Selfhood and Peoplehood in Contemporary Israel*, Madison: University of Wisconsin Press.
- Ecks, S. (2003): 'Is India on Prozac? Sociotropic Effects of Pharmaceuticals in a Global Perspective', *Curare*, 26(1&2): 95-107.
- EDS (2004): *Case Study: Ben-Gurion Airport Authority*. Available at: <http://www.eds.com/services/casestudies/downloads/bgaa.pdf> (last accessed 19 January 2007).
- Ericson, R./Haggerty, K. (2001): 'The Surveillant Assemblage', *British Journal of Sociology*, 51(4): 605-22.
- Gell, A. (1998): *Art and Agency: an Anthropological Theory*, Oxford: Oxford University Press.
- Gilboy, J. (1991): 'Deciding who Gets in: Decision Making by Immigration Inspectors', *Law and Society Review*, 25(3): 571-600.
- Gordillo, G. (2006): 'The Crucible of Citizenship: ID-Paper Fetishism in the Argentinean Chaco', *American Ethnologist*, 33(2): 162-76.
- Helman, S. (1997): 'Militarism and the Construction of Community', *Journal of Political and Military Sociology*, 25(2): 305-32.
- Heyman, J. (1995): 'Putting Power in the Anthropology of Bureaucracy: the Immigration and Naturalization Service at the Mexico-United States Border', *Cultural Anthropology*, 36(2): 261-87.
- (2001): 'Class and Classification on the U.S.-Mexico Border', *Human Organization*, 60(2): 128-40.
- Home Office (2003): *Identity Cards: Next Steps*, London.
- House of Commons Science and Technology Committee (2006): *Identity Card Technologies: Scientific Advice, Risk and Evidence. Sixth Report of Session 2005-06*, London: The Stationary Office.
- Israeli Ministry of Public Security (2003): *Deploying the Basel Smart Card at Border Check Points*. Available at: <http://www.mops.gov.il/BPEng/InformationCenter/TechnologyEquipment> (last accessed 18 January 2007).
- Keane, W. (2005): 'Signs are not the Garb of Meaning: on the Social Analysis of Material Things'. In: D. Miller (ed.), *Materiality*, Durham, NC: Duke University Press, pp. 182-205.
- Kelly, T. (2006): *Law, Violence and Sovereignty among West Bank Palestinians*, Cambridge: Cambridge University Press.
- (2006a): 'Documented Lives: Fear and the Uncertainties of Law during the Second Palestinian Intifada', *Journal of the Royal Anthropological Institute*, 12(1): 87-107.
- Kong, S./Heo, J./Abidi, B./Paik, J./Abidi, M. (2005): 'Recent Advances in Visual and Infrared Face Recognition – a Review', *Computer Vision and Image Understanding*, 97(1): 103-35.
- Latour, B. (1987): *Science in Action: how to Follow Scientists and Engineers through Society*, Cambridge, MA: Harvard University Press.
- Liebes, T./Blum-Kulka, S. (1994): 'Managing Moral Dilemmas: Israeli Soldiers in the Intifada', *Armed Forces and Society*, 21(1): 45-68.
- Longman, T. (2001): 'Identity Cards, Ethnic Self-Perception, and Genocide in Rwanda'. In: J. Caplan/J. Torpey (eds), *Documenting Individual Identity: the Development of State Practices in the Modern World*, Princeton: Princeton University Press, pp. 245-357.
- LSE (2006): *The Identity Project: an Assessment of the UK Identity Cards Bill and its Implications*, London: London School of Economics.
- Lyon, D. (2001): 'Under my Skin: from Identification Papers to Body Surveillance'. In: J. Caplan/J. Torpey (eds), *Documenting Individual Identity: the Development of State Practices in the Modern World*, Princeton: Princeton University Press, pp. 291-310.
- National Commission on Terrorist Attacks upon the U.S. (2004): *The 9/11 Commission Report*, Washington, DC.

- Ochs, J. (2006): 'Security and Subjectivity: the Everyday Life of Jewish Israelis during the Second Intifada', Unpublished PhD Thesis, University of Cambridge.
- Ong, A. (1999): *Flexible Citizenship: the Cultural Logics of Transnationality*, Durham: Duke University Press.
- Paine, R. (1992): 'Anthropology beyond Routine: Cultural Alternatives for the Handling of the Unexpected', *International Journal of Moral and Social Studies*, 7(3): 183-203.
- Rabinow, P. (1996): *Essays in the Anthropology of Reason*, Princeton: Princeton University Press.
- Riles, A. (2004): 'Property as Legal Knowledge: Means and Ends', *Journal of the Royal Anthropological Institute*, 10(4): 775-95.
- Rose, N./Novas, C. (2005): 'Biological Citizenship'. In: A. Ong/S. Collier (eds), *Global Assemblages: Technology, Politics and Ethics as Anthropological Problems*, Oxford: Blackwell, pp. 439-63.
- Scott, J. (1998): *Seeing like a State: how Certain Schemes to Improve the Human Condition Have Failed*, New Haven: Yale University Press.
- Serres, M. (1982): *The Parasite*, Baltimore, MD: Johns Hopkins University Press.
- Torpey, J. (2000): *The Invention of the Passport: Surveillance, Citizen-ship and the State*, Cambridge: Cambridge University Press.
- Yngvesson, B./Mahoney, M. (2000): '"As One Should, Ought, and Wants to Be': Belonging and Authenticity in Identity Narratives', *Theory, Culture and Society*, 17(6): 77-110.

This book was printed with the financial support of the Max Planck
Institute for Social Anthropology Halle/Saale.

Gedruckt mit Unterstützung des Max-Planck-Instituts für ethnologische Forschung in Halle/Saale.

I would like to thank the Max Planck Institute for Social Anthropology, especially Franz and Keebet von Benda
Beckmann, Gesine Koch and Kathrin Niehuus for the support of this publication.

Bibliographic information published by the Deutsche Nationalbibliothek

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic
data are available in the Internet at <http://dnb.d-nb.de>

© 2008 transcript Verlag, Bielefeld



This work is licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 3.0 License.

Cover layout: Kordula Röckenhaus, Bielefeld

Proofread by: Julia M. Eckert

Typeset by: Gesine Koch

Printed by: Majuskel Medienproduktion GmbH, Wetzlar

ISBN 978-3-89942-964-0